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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 United States of America,

5 Plaintiff

6 v.

7 Mykalai Kontilai,

8 Defendant
9

Case No. 2:20-cr-00109-CDS-DJA

**Order Denying Defendant's Consent
Motion to File Under Seal**

[ECF No. 106]

10 Defendant Mykalai Kontilai filed a consent motion to file under seal his sentencing
11 memorandum and its attachments. ECF No. 106. Although Kontilai's motion references
12 "extensive personal medical information," it fails to comply with the local rules or to state the
13 governing standard for filing documents under seal. Counsel is reminded that there is a
14 presumption of public access to judicial files and records. A party seeking to file a confidential
15 document under seal must seek leave to file those documents under seal and must comply with
16 the Ninth Circuit's directives in *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1176 (9th Cir.
17 2006) and *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). *See also*
18 Local Rule IA 10-5(a).

19 Two standards govern requests to seal documents: the "compelling reasons" standard
20 and the "good cause" standard. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 667 (9th Cir. 2010).
21 There must be a "compelling reason" for sealing sufficient to outweigh the public's interest in
22 disclosure. *Ctr. for Auto Safety*, 809 F.3d at 1100 (applying the "compelling reason" test to motions
23 to seal documents "more than tangentially related to the merits of a case"). Otherwise, a party
24 may satisfy the less exacting "good cause" standard. "[T]he burden of showing good cause will
25 be on the party seeking to keep the information and/or documents confidential." *Kamakana*, 447
26 F.3d at 1176.

1 Here, Kontilai fails to present, discuss, or address either the compelling reasons or good
2 cause standard. The mere reference to “personal medical information” gives the court no
3 guidance about the specific material Kontilai seeks to have sealed. I find that this reference, on
4 its own, does not meet either standard so his motion is denied. Counsel is directed to file a
5 motion for leave to file under seal, articulating “good cause” to justify sealing the documents.

6 **Conclusion**

7 IT IS THEREFORE ORDERED that Kontilai’s consent motion to file under seal [ECF
8 No. 106] is denied without prejudice.

9 Dated: November 18, 2024

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12 Cristina D. Silva
13 United States District Judge
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